



State Water Resources Control Board

March 8, 2019

System No. 5400903

Ms. Joleen Palmer, Secretary
Tract 92 Community Services District
P.O. Box 276
Farmersville, CA 93223

**CITATION NO. 03-24-19C-030
FAILURE TO HAVE A CERTIFIED OPERATOR
FOR January & February 2019**

Enclosed is Citation No. 03-24-19C-030 (hereinafter "Citation"), issued to the Tract 92 Community Services District Water System (hereinafter "Water System"). **Please note there are legally enforceable deadlines associated with this Citation starting on page 3 of the Citation.**

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board"), hourly rate for the time spent on issuing this Citation. California Health and Safety Code, Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately one (1) hour on enforcement activities associated with this violation.

The Water System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued by the Deputy Director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code, Section 116625) or Article 9 (commencing with Health and Safety Code, Section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code), may file a petition with the State Water Board for reconsideration of the citation, order or decision. **Appendix 1** to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (Health and Safety Code, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

Within 10 days of receipt of this Citation, the Water System shall submit a written response to the State Water Board indicating its willingness to comply with the directives of this Citation.

If you have any questions regarding this matter, please contact Tulare District staff at (559) 447-3300 or by email at dwpdist24@waterboards.ca.gov.



Sincerely,

Chad Fischer, P.E.
Senior Sanitary Engineer, Tulare District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Certified Mail No. 7018 0040 0000 0446 1454

cc: Tulare County Environmental Health Department
Mr. Monroe Self, Board President (15154 Oscar Ave, Visalia, CA 93292)

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Tract 92 Community Services District

Water System No: 5400903

Attention: Ms. Joleen Palmer, Secretary
Tract 92 Community Services District
P.O. Box 276
Farmersville, CA 93223

Issued: March 8, 2019

CITATION FOR NONCOMPLIANCE
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555 AND
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64413.7
FAILURE TO HAVE A CERTIFIED DISTRIBUTION OPERATOR
January & February 2019

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

1 The State Water Board, acting by and through its Division of Drinking Water
2 (hereinafter "Division"), and the Deputy Director for the Division, hereby issues Citation
3 No. 03-24-19C-030 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to
4 the Tract 92 Community Services District (hereinafter "Water System"), for violation of
5 CHSC, Section 116555 and California Code of Regulations (hereinafter "CCR"), Title
6 22, Section 64413.7.

8 STATEMENT OF FACTS

9 The Water System is classified as a community public water system with a population
10 of 500, serving 93 connections. The Water System operates under Domestic Water
11 Supply Permit No. 03-24-15P-023 issued by the State Water Board on October 12,
12 2015. The Water System is using two groundwater sources to supply potable water to
13 the distribution system. The Water System is classified as a D1 system.

14
15 CHSC, Section 116555 requires all community and nontransient noncommunity water
16 systems to employ or utilize only water distribution operators that have been certified by
17 the State Water Board at the appropriate grade for positions in responsible charge of
18 the distribution system; and to place the direct supervision of the water system,
19 including water treatment plants, water distribution systems, or both under the
20 responsible charge of an operator or operators holding a valid certification equal to or
21 greater than the classification of the treatment plant and the distribution system

22
23 CCR, Title 22, Section 64413.7 requires each water supplier to "designate at least one
24 chief operator that meets the requirements specified in section 63770 for each
25 distribution system utilized by the water system" and "at least one shift operator that
26 meets the requirements specified in section 63770 for each distribution system utilized
27 by the water system for each operating shift." This section also requires the chief
28 operator or shift operator to be on-site or able to be contacted within one hour.

DETERMINATION

As of the date of this Citation, the Water System has not demonstrated that there is a certified distribution operator to operate the distribution system. Therefore, the State Water Board has determined that the Water System has failed to comply with CHSC, Section 116555 and CCR, Title 22, Section 64413.7.

DIRECTIVES

The Water System is hereby directed to take the following actions:

1. By **April 10, 2019**, the Water System must have on staff a D1 certified distribution operator. If using a contract operator, the Water System must submit a copy of the relevant contract to the State Water Board by **April 10, 2019**.
2. By **April 10, 2019**, complete and return to the State Water Board the "Notification of Receipt" form attached to this Citation as Appendix 1. Completion of this form confirms that the Water System has received this Citation and understands that it contains legally enforceable directives(s) with due dates.

All submittals required by this Citation shall be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Citation shall include the following information: Water System name and number, citation number and title of the document being submitted.

Chad Fischer, P.E.

dwpdist24@waterboards.ca.gov

1 The State Water Board reserves the right to make such modifications to this Citation as
2 it may deem necessary to protect public health and safety. Such modifications may be
3 issued as amendments to this Citation and shall be effective upon issuance.

4
5 Nothing in this Citation relieves the Water System of its obligation to meet the
6 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4,
7 commencing with Section 116270), or any regulation, standard, permit or order issued
8 or adopted thereunder.

9
10 **PARTIES BOUND**

11 This Citation shall apply to and be binding upon the Water System, its owners,
12 shareholders, officers, directors, agents, employees, contractors, successors, and
13 assignees.

14
15 **SEVERABILITY**

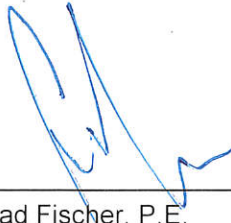
16 The directives of this Citation are severable, and the Water System shall comply with
17 each and every provision thereof notwithstanding the effectiveness of any provision.

18
19 **FURTHER ENFORCEMENT ACTION**

20 The California SDWA authorizes the State Water Board to: issue a citation or order with
21 assessment of administrative penalties to a public water system for violation or continued
22 violation of the requirements of the California SDWA or any regulation, permit, standard,
23 citation, or order issued or adopted thereunder including, but not limited to, failure to
24 correct a violation identified in a citation or compliance order. The California SDWA also
25 authorizes the State Water Board to take action to suspend or revoke a permit that has
26 been issued to a public water system if the public water system has violated applicable
27 law or regulations or has failed to comply with an order of the State Water Board, and to
28 petition the superior court to take various enforcement measures against a public water

1 system that has failed to comply with an order of the State Water Board. The State Water
2 Board does not waive any further enforcement action by issuance of this Citation.

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7 Chad Fischer, P.E.
8 Senior Sanitary Engineer, Tulare District
9 SOUTHERN CALIFORNIA BRANCH
10 DRINKING WATER FIELD OPERATIONS
11
12
13

3/8/19
Date

14 Appendices (2):

- 15 1. Notification of Receipt Form
16 2. Distribution Calculation Worksheet



17
18 Certified Mail No. 7018 0040 0000 0446 1454
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Appendix 1 – Notification of Receipt

Citation Number: 03-24-19C-030

Name of Water System: Tract 92 Community Services District

System Number: 5400903

Certification

I certify that I am an authorized representative of the Tract 92 Community Services District and that Citation No. 03-24-19C-030 was received on _____. Further I certify that the Citation has been reviewed by the appropriate management staff of the Tract 92 Community Services District and it is clearly understood that Citation No. 03-24-19C-030 contains legally enforceable directives with specific due dates.

Signature of Water System Representative

Date

<p>THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN March 10, 2019.</p>
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Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

Appendix 2 – Distribution Classification Worksheet

System Name: *Tract 92 Community Services District*

System Number: 5400903

Date of Evaluation: 03/01/19

64413.3(a) Water Distribution Classification

Population Served

- ☒ < 1000D1
☐ 1001 - 10,000D2
☐ 10,001 - 50,000D3
☐ 50,001 - 5 millionD4

The class will be determined by the population served but will be upgraded by one level if the population served is 5 million or less and the sum of the points exceeds 20.

Total Points

8

The system is classified as D1.

If the population served is over 5 million the classification is D5.

64413.3(b)(1)

- ☒ 0 - 30 pts
☐ 4 - 104 pts
☐ > 106 pts

Pressure Zones

Points

0

64413.3(b)(2)

Disinfectants Applied

Points

0

- No disinfectant is applied in the system and only one type of residual is entering the system0 pts
☒ Singe disinfectant or ammonia applied...5 pts
☐ Multiple Disinfectants in the system 8 pts

64413.3(b)(3)

Pumps (single largest)

- ☒ < 50 Hp4 pts
☐ > or = 50 Hp6 pts

Points

4

64413.3(b)(4)

Storage Reservoirs

Points

4

- ☒ 1 - 54 pts
☐ > 56 pts

64413.3(b)(5)

Uncovered Reservoirs

Points

0

- ☒ None0 pts
☐ One or More10 pts

64413.3(b)(6)

Nonpotable Water Supply

Points

0

- ☒ No0 pts
☐ Customer also served by nonpotable system 6 pts

Calculate

Clear